

STATEMENT OF BASIS (AI No. 162875)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0124915 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Clean Air Systems, LLC¹
Bayou Cane Seafood Market
6539 West Main Street
Houma, LA 70360

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Kelli Hamilton

DATE PREPARED: November 9, 2009

1. PERMIT STATUS**A. Reason For Permit Action:**

Issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. LPDES permit LAG533061 - LPDES permit effective date: March 9, 2009
LPDES permit expiration date: November 30, 2012

Upon the effective date of the final permit, this office will cancel in its entirety LAG533061 issued on March 9, 2009.

C. Date Application Received: February 2, 2009

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - seafood market and vacuum cleaner store**

This facility is a seafood market and vacuum cleaner store, each with two employees. The seafood market boils crab, crawfish, and shrimp. Oysters are also sold by the sack.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II (BPJ points to 0 as per administrative decision)
3. Wastewater Type: II
4. SIC code: 5812, 2092, and 5722

C. LOCATION - 6539 West Main Street in Houma, Terrebonne Parish
Latitude 29°37'14", Longitude 90°44'52"

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3. OUTFALL INFORMATION

Outfall 001

Discharge Type: seafood boil water
Treatment: none
Location: at the point of discharge from the effluent pipe
Flow: 1000 gpd
Discharge Route: into Bayou Terrebonne

Outfall 002

Discharge Type: treated sanitary wastewater
Treatment: extended aeration system
Location: at the point of discharge from the sanitary treatment system
Flow: 80 gpd
Discharge Route: into Bayou Terrebonne

4. RECEIVING WATERS

STREAM - Bayou Terrebonne

BASIN AND SEGMENT - Terrebonne Basin, Segment 120301

DESIGNATED USES - a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife

5. TMDL STATUS

Subsegment 120301, Bayou Terrebonne - from Thibodeaux to ICWW in Houma, is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 120301 was previously listed as impaired for organic enrichment/low DO, pathogen indicators, nitrate/nitrite, and phosphorus for which the below TMDLs have been developed. Subsegment 120301 was also listed as impaired for non-native aquatic plants due to an unknown source. However, other control measures for non-native aquatic plants are expected to result in attainment of designated uses. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDLs and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDLs have been established for subsegment 120301:

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The *Final Bayou Terrebonne Watershed TMDL for Biochemical Oxygen-Demanding Substances and Nutrients*, Subsegment 120301, was finalized on April 15, 2008.

Only one facility, the Schriever School, was considered to have a possible impact to Bayou Terrebonne due to its expected effluent discharge and the location of its outfall. Therefore, it was included in the model. No changes in permit limitations were recommended for the Schriever School. According to the TMDL report, "Twenty six facilities discharge to a ditch, pipe or storm drain leading to Bayou Terrebonne. However, they are too small or too far away to impact the targeted waterbody. These dischargers are accounted for as nonpoint source loading through the process of calibration. They fall within one of several state or regional policies that govern permit limitations." The estimated flow from Outfall 001 is 1000 gpd and is not expected to have an impact on the receiving stream.

Organic enrichment/low DO

To protect against further dissolved oxygen impairment, a BOD₅ parameter has been included at Outfalls 001 and 002.

Nutrients (Nitrate/Nitrite, Phosphorus)

According to the TMDL report, "this TMDL establishes load limitations for oxygen-demanding substances and goals for reduction of those pollutants. LDEQ's position regarding water quality criteria for nutrients, is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. See In The Matter of Sierra Club and Louisiana Environmental Network Request for Nutrient Limits. Docket No. AHD-DR-96001. LDEQ April 29, 1996. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through BOD₅ limitations. Compliance with the BOD₅ limitations as an indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Other Conditions of the permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

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TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, TDS, Sediment, TSS, and Turbidity were finalized on April 19, 2007. Subsegment 120301 was listed as impaired for fecal coliform bacteria. According to the report, for fecal coliform bacteria, LDEQ's policy is to set wastewater permit limits no higher than water quality criteria (i.e., criteria are met at end-of-pipe). As long as point source discharges of treated wastewater contain parameter levels at or below these permit limits, they should not be a cause of exceedances of the fecal coliform bacteria water quality criteria.

6. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

No records of compliance actions were found.

B. DMR Review/Excursions

No DMR data available for review.

7. ENDANGERED SPECIES

The receiving waterbody, Subsegment 120301 of the Terrebonne Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

8. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

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9. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

10. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

11. STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility. (see Narrative Requirements for the AI)

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Rationale for Clean Air Systems, LLC

1. Outfall 001 seafood boil water (estimated flow is 1000 gpd)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg:Daily Max (mg/l)	<u>Reference</u>
Flow (GPD)	---: Report	BPJ; *
BOD ₅	---: Report	BPJ; *
TSS	---: Report	BPJ; *
Oil & Grease	---: Report	BPJ; *
pH (su)	6.0-9.0	BPJ; *

Treatment: none

Monitoring Frequency: 1/quarter, based upon permits for similar discharges

Limits Justification: For facilities discharging small amounts of seafood boiling water, report only requirements for BOD, TSS, and Oil & Grease and a pH range of 6-9 s.u. have been placed in the permit as per BPJ and existing permits for similar outfalls.

2. Outfall 002, the discharge of treated sanitary wastewater
 (estimated flow is 80 gpd)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg:Daily Max (mg/l)	<u>Reference</u>
Flow	Report:Report	LAC33.IX.2707.I.1.b
BOD ₅	30:45	See limits justification (1),(2) below
TSS	30:45	See limits justification (1),(2) below
Fecal Coliform	200:400	See limits justification (1),(2) below
pH (s.u.)	6.0:9.0 (min:max)	See limits justification (2) below

Treatment: extended aeration system

Monitoring Frequency: All parameters shall be monitored semiannually in accordance with the current permitting practices for similar outfalls.

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Limits Justification:

- 1) Sanitary wastewater regulated in accordance with LAC 33:IX.711 or LAC 33:IX.709.B - Concentration limits are used in accordance with LAC 33:IX.2363.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which expresses BOD₅ and TSS in terms of concentration.
- 2) BPJ utilizing the LPDES Class I Sanitary General Permit.

* Existing permits for similar outfalls
BPJ Best Professional Judgement
su Standard Units

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.